

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL MYERS,

Petitioner,

v.

SUPERINTENDENT HOUSER,

Respondent.

No. 4:23-CV-00475

(Chief Judge Brann)

ORDER

MARCH 21, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. The Petition,¹ is **DEEMED FILED**.
2. The petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254 is **DISMISSED without prejudice** to any right Petitioner may have to assert his conditions of confinement claims in a properly filed civil rights action.
3. Petitioner's motion for leave to proceed *in forma pauperis* is **DISMISSED as moot**.²
4. A certificate of appealability is **DENIED**.
5. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

¹ Petitioner paid the filing fee on March 20, 2023.

² Doc. 5.